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Attorney for Plaintiff
CRISTINA MENDOZA

** Defendants and their respective counsel listed after the caption.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRISTINA MENDOZA,

Plaintiff,

v.

CITY OF SAN JOSE, PACIFIC GAS &
ELECTRIC COMPANY, a California
registered domestic stock corporation,
HUDSON SKYPORT PLAZA, LLC, a
Delaware limited liability company,
HUDSON SKYPORT PLAZA LAND,
LLC, a Delaware limited liability company,
HUDSON PACIFIC PROPERTIES, INC.,
a Maryland corporation, SPIEKER
PROPERTIES LP, a California limited
partnership, EOP OPERTAING LIMITED
PARTNERSHIP, LP, a Delaware limited
partnership CA – SKYPORT I LIMITED
PARTNERSHIP, a Delaware limited
partnership; and DOES 1-100, Inclusive,

Defendants.

CASE NO. 5:17-cv-03579 SVK

Civil Rights

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE GENERAL ORDER 56
DEADLINES AND PERMIT LIMITED
DISCOVERY**

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Attorneys for Defendants

**HUDSON SKYPORT PLAZA, LLC, a Delaware
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PLAZA LAND, LLC, a Delaware limited liability
company, HUDSON PACIFIC PROPERTIES, INC.,
a Maryland corporation**

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PACIFIC GAS AND ELECTRIC

STIPULATION

Plaintiff CRISTINA MENDOZA (“Plaintiff”) and Defendants PACIFIC GAS &
ELECTRIC COMPANY, a California registered domestic stock corporation, HUDSON
SKYPORT PLAZA, LLC, a Delaware limited liability company, HUDSON SKYPORT PLAZA
LAND, LLC, a Delaware limited liability company, HUDSON PACIFIC PROPERTIES, INC., a
Maryland corporation (“Defendants”), having reached an agreement on injunctive relief and
having presented that agreement to the court in the form of a Consent Decree for Injunctive Relief
(Docket No. 43), hereby jointly stipulate and request through their attorney of record that the
court enter an order continuing the deadline to complete mediation under General Order 56 to
February 28, 2019 based on the following:

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- 1 1. The Court in its initial scheduling order placed this case under the deadlines and
2 requirements of General Order 56 (Dkt 4);
- 3 2. After proceeding with service and a joint site inspection, plaintiff filed Notice of Need for
4 Mediation (Dkt 35)
- 5 3. The Court assigned the matter to a mediator Paul Renne and set a deadline for mediation
6 of 3/29/2018 (Dkt 35x and 36);
- 7 4. Because of the complexity of the issues (number of barriers and serious personal injury to
8 plaintiff) the parties stipulated and the Court agreed to continue the deadline to mediate to
9 May 31, 2018. (Dkt 41);
- 10 5. A mediation took place on April 30, 2018 at which substantial progress was made;
- 11 6. On June 11, 2018, the Court signed a Consent Decree regarding injunctive relief leaving
12 the issues of damages, attorneys' fees, costs and litigation expenses to be separately
13 negotiated and adjudicated if necessary. (Dkt 44);
- 14 7. The parties have been conducting limited discovery pursuant a mutual agreement allowing
15 such. The parties intended to formalize their arrangement with the Court and request
16 additional time to mediate the remaining issues but have encountered delays due to
17 protracted negotiations regarding the dismissal of Defendants CITY OF SAN JOSE,
18 SPIEKER PROPERTIES L.P., EOP OPERATING PARTNERSHIP, L.P. and CA –
19 SKYPORT I LIMITED PARTNERSHIP which have now been filed and ordered by the
20 Court.
- 21 8. The parties had planned on a further mediation to negotiate and hopefully resolve the
22 remaining issues on August 28, 2018, however, plaintiff's medical condition and need for
23 further surgery will prevent plaintiff's counsel from properly evaluating her claimed
24 damages and so additional time is needed for the surgery to be performed and for plaintiff
25 to recover sufficiently so her permanent condition can be properly evaluated.
- 26 9. Therefore, the parties jointly request that the deadline to complete mediation be extended
27 to February 28, 2019.

In addition, counsel for the parties hereby jointly stipulate and request through their attorneys of record that the court enter an order permitting limited discovery (some of which has already occurred by agreement) in order to facilitate resolution of the matter through the procedures of General Order 56 as follows:

1. Defendants may propound subpoenas to KAISER FOUNDATION HOSPITALS for Plaintiff's medical records from January 1, 2001 through the present, including but not limited to medical and radiology records. Defendants may propound a separate subpoena for billing records limited to the areas of plaintiff's body placed in controversy and limited to the time period from June 16, 2016 to present ;
2. Defendants may then take the deposition of Plaintiff;
3. Defendants may then take the deposition of Sachin Premasuthan, percipient witness; and
4. Plaintiff may propound Request for Documents to each defendant not to exceed five (5) separate requests to which each defendant will be required to respond and provide all responsive documents, subject to the agreement that each defendant preserves and does not waive any objection, privilege or protection that may be raised in response to any particular request for documents;

IT IS SO STIPULATED.

Dated: August 10, 2018,

DERBY, McGUINNESS & GOLDSMITH, LLP

/s/ Steven L. Derby
 By: STEVEN L. DERBY, ESQ.
 Attorneys for Plaintiff
 CRISTINA MENDOZA

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1 Dated: August 10, 2018,

ROPER, MAJESKI, KOHN & BENTLEY

3 /s/ Spiros E. Fousekis

4 By: SPIROS E. FOUSEKIS, ESQ.

Attorneys for Defendants

5 HUDSON SKYPORT PLAZA, LLC, a Delaware
6 limited liability company, HUDSON SKYPORT
7 PLAZA LAND, LLC, a Delaware limited liability
8 company, HUDSON PACIFIC PROPERTIES, INC.,
9 a Maryland corporation

9 Dated: August 10, 2018

GOUGH & HANCOCK LLP

11 /s/ Gregory C. Read

12 By: GREGORY C. READ, ESQ.

Attorneys for Defendants

13 PACIFIC GAS AND ELECTRIC COMPANY

[PROPOSED] ORDER

For GOOD CAUSE SHOWN and for the reasons set forth above, the General Order 56 deadlines set forth in the April 3, 2018, Scheduling Order shall be amended and the remaining deadlines shall be reset as follow:

Last day for Parties to complete Mediation: February 28, 2019; and

Last day for Plaintiffs to file a Motion for Administrative Relief: 7 days after the mediator files a Certification of ADR Session.

In addition, for GOOD CAUSE SHOWN, the parties' joint request to permit limited discovery is GRANTED as follows:

1. Defendants may propound subpoenas to KAISER FOUNDATION HOSPITALS for Plaintiff's medical records from January 1, 2001 through the present, including but not limited to medical and radiology records. Defendants may propound a separate subpoena for billing records limited to the areas of plaintiff's body placed in controversy and limited to the time period from June 16, 2016 to present ;
2. Defendants may then take the deposition of Plaintiff;
3. Defendants may then take the deposition of Sachin Premasuthan, percipient witness; and
4. Plaintiff may propound Request for Documents to each defendant not to exceed five (5) separate requests to which each defendant will be required to respond and provide all responsive documents, subject to the agreement that each defendant preserves and does not waive any objection, privilege or protection that may be raised in response to any particular request for documents;

IT IS SO ORDERED.

Dated: August 14, 2018



Honorable Susan van Keulen
United States Magistrate Judge

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1, I hereby attest that on August 10, 2018, I, Steven Derby, attorney with Derby, McGuinness & Goldsmith, LLP, received the concurrences of All counsel of record to the filing of this document.

/s/ Steven L. Derby

Steven L. Derby